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STATE CAPITOL  
PHOENIX, ARIZONA

December 9, 1965

DEPARTMENT OF LAW OPINION NO. 66-2 (R-23)

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REQUESTED BY: Dick Herbert, Commissioner  
Arizona Corporation Commission

QUESTION: In order for a certificated common motor carrier of passengers to effect a change in its time schedules or to decrease service previously rendered, is it necessary that there be a public hearing prior to commission action on such proposed change?

ANSWER: Yes, to the extent that the Corporation Commission has made the time schedules or service a part of its order, or a condition of the certificate of convenience and necessity.

The regulation of motor carriers by the Corporation Commission is governed by Chapter 3, Title 40 of the Arizona Revised Statutes.

A.R.S. §40-605 provides in part that the Corporation Commission may, "2. Regulate the facilities, service and safety of operations of each common motor carrier. 3. Regulate operating and time schedules to meet the needs of the public and to insure adequate transportation service through the territory traversed or served by the carriers and thereby prevent unnecessary duplication of service." A.R.S. §40-607 (c) further provides that the Commission, in issuing a certificate of convenience and necessity to a common motor carrier may "attach

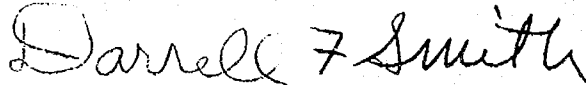
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to the exercise of the right granted by the certificate terms and conditions which it deems the public convenience and necessity required. . . ."

It is our opinion that the statutory language authorizes the Commission to establish time schedules and the amount of service to be rendered by a common motor carrier, and that these matters can be established by order of the Commission at the time of the issuance of the certificate, or after notice to the carrier, at a hearing thereon at a time subsequent to the issuance of the certificate. After the establishment by order of the Commission of such time schedules and the amount of service to be rendered, then the carrier would be required to seek the authority of the Commission to change the time schedules or to increase or decrease the amount of service.

In instances where the Commission has not established by its order the time schedules or service required of a carrier, it is our opinion that the certificated carrier may change the time schedules and increase or decrease the amount of service from time to time, in accordance with the needs of the public, without a hearing or an order of the Commission.

Respectfully submitted,

  
DARRELL F. SMITH  
The Attorney General

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